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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,440	03/26/2004	Gary J. Wendt	960296.00138	1479
23598	7590	08/18/2006	EXAMINER KIKNADZE, IRAKLI	
BOYLE FREDRICKSON NEWHOLM STEIN & GRATZ, S.C. 250 E. WISCONSIN AVENUE SUITE 1030 MILWAUKEE, WI 53202			ART UNIT 2882	PAPER NUMBER

DATE MAILED: 08/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/811,440	WENDT ET AL.
	Examiner Irakli Kiknadze	Art Unit 2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 May 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1,4,5,10,16,18,20,21 and 36-42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10 and 37-40 is/are rejected.
- 7) Claim(s) 1,4,5,10,16,18,20,21 and 36-42 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/21/06; 8/18/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION**

1. In response the Office action dated February 23, 2006 the Amendment has been received on May 25, 2006.

Claims 2, 3, 6-9, 11-15, 17, 19 and 22-35 have been canceled.

Claims 1, 10, 18 have been amended.

Claims 36-42 have been newly added.

Claims 1, 4, 10, 16, 18, 20, 21 and 36-42 are currently pending in this application.

***Claim Objections***

2. Claims 1, 4, 10, 16, 18, 20, 21 and 36-42 are objected to because of the following informalities:

3. Claim 1, in lines 7 and 8, the phrase "a storage circuit communicating with the first detector and the clock circuit to the current time signal at the time the first radiation exposure" is awkward and perhaps it should read --a storage circuit communicating with the first detector and the clock circuit to store the current time signal at the time the first radiation exposure--. Further, in line 10, "the electrical signal" should read --the signal-- to avoid antecedence basis problems.

Claim 10, in lines 8 and 10, the limitation "the detector" should read --a first detector-- to avoid antecedence basis problems.

Claim 36, in lines 3 and 4, the phrase "a storage circuit communicating with the first detector and the clock circuit to the current time signal at the time the first radiation exposure" is awkward and perhaps it should read --a storage circuit communicating with the first detector and the clock circuit to store the current time signal at the time the first radiation exposure--.

Appropriate correction is required.

Claims 4, 16, 18, 20, 21 and 37-42 are objected by virtue of their dependence.

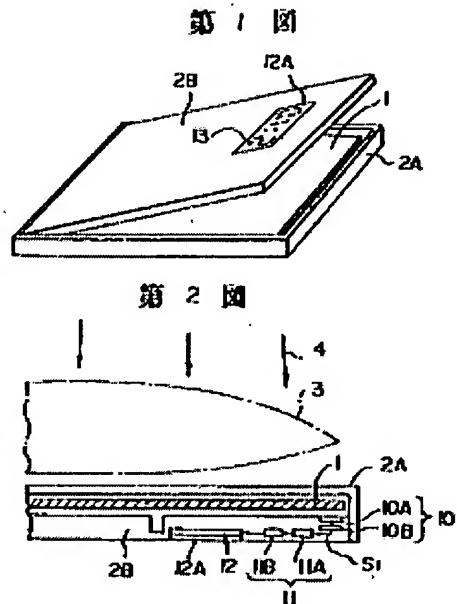
***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubota (JP 01309044 A2) in view of Black et al. (US Patent Application Publication 2003/0125616 A1).

With respect to claims 10 and 40, Kubota teaches (Figs. 1 and 2) a radiation



exposure recording device comprising: a radiation exposure recording medium (1); a housing ((2A) and (2B)) that at least partly surrounds the radiation exposure recording medium (1), a first detector (10) that detects a first radiation exposure and produces at least one signal in response to detecting the first radiation exposure and means for communication the signal to a user (see abstract and constitution). Kubota fails to teach an arrangement, wherein the first detector is located on an outer surface of the housing and wherein the first detector in form of a sticker that is adhered to the surface of the cassette. Black teaches an x-ray system arrangement, wherein the cost-effective detector patches (having adhesive means) that detect a radiation exposure are located onto the skin of a patient. The detector patches are configured to be minimally obtrusive and operate without the use of externally extending power chords or lead wires (see abstract and paragraphs 0011 and 0013; Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to use the adhesive detector patches as suggested by Black in the apparatus of Kubota, since such a modification would provide user with capabilities of cost-effectively detecting the radiation exposure with the detector patches that are addressable on the outer surface of the housing of the radiation exposure recording device (capable of detecting the radiation exposure at various different portions of the housing) while being minimally obtrusive to the radiation exposure recording medium and operate without the use of externally extending power chords or lead wires.

With respect to claims 37 and 38, Kubota teaches that the radiation exposure-recording medium (1) is a photostimulable phosphor plate (see Fig. 2 and the title of the invention).

With respect to claim 39, Black teaches a wireless transmitter transmitting the signal as a wireless digital signal to a separate reader (see paragraph 0122, lines 6+).

#### ***Allowable Subject Matter***

6. Claims 1, 4, 5, 16, 18, 20, 21, 41 and 42 would be allowable if rewritten to overcome the objection, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

7. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if rewritten or amended to overcome the objection, set forth in this Office action.

8. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 1, 4, 5, 16, 18, 20, 21, 41 and 42, prior art fails to teach or make obvious a radiation exposure device comprising: a storage circuit communicating with a first detector and a clock circuit to store a current time signal at the time a first radiation exposure; and a wireless transmitter receiving the stored current time from the storage circuit to transmit a wireless digital signal based upon a signal in response to detecting the first radiation exposure as claimed including all of the limitations of the base claim and any intervening claims.

With respect to claim 36, prior art fails to teach or make obvious a radiation exposure device comprising: a storage circuit communicating with a first detector and a clock circuit to store a current time signal at the time a first radiation exposure as claimed including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

9. Applicant's arguments, see pages 5 and 6, filed May 25, 2006, with respect to claims 1, 4, 5, 16, 18, 20, 21, 41, and 42 have been fully considered and are persuasive. The rejection of claims 1, 4, 5, 16, 18, 20, 21, 41, and 42 has been withdrawn.

10. Applicant's arguments with respect to claims 10 and 36-40 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hayes et al.(US Patent 5,282,236) teaches a radiation exposure detection device but fails to teach an irradiation time detection system.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action.

In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irakli Kiknadze  
August 15, 2006

IK

Courtney Thomas  
Courtney Thomas  
Primary Examiner